

Document #4828

11/5/86

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

RE: FINAL DESIGNATION OF JUDITH M. BRENNAN
APPROVAL OF FINAL WORKING DRAWINGS AND SPECIFICATIONS
AND PROPOSED DISPOSITION OF PARCEL R-59-B1
IN THE CHARLESTOWN URBAN RENEWAL AREA
PROJECT NO. MASS. R-55
CONFIRMATORY ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title I of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified Project; and

WHEREAS, the Urban Renewal Plan for the Charlestown Urban Renewal Area, Project No. Mass. R-55, (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, State and Federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of Urban renewal projects with Federal financial assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion or national origin; and

WHEREAS, JUDITH M. BRENNAN, has expressed an interest in and has submitted a satisfactory proposal for the development of Disposition Parcel R-59-B1 in the Charlestown Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That JUDITH M. BRENNAN be and hereby is finally designated as Redeveloper of Parcel R-59-B1 in the Charlestown Urban Renewal Area.
2. That it is hereby determined that JUDITH M. BRENNAN possess the qualifications and financial resources necessary to acquire and develop the land in accordance with the Urban Renewal Plan for the Project Area.
3. That disposal of said Parcel by negotiation is the appropriate method of making the land available for redevelopment.
4. That the Final Working Drawings and Specifications submitted for the development of Parcel R-59-B1 conform in all respects to the Urban Renewal Plan for the Project Area, and that said Final Working Drawings and Specifications be and hereby are approved.

5. That a Confirmatory Order of Taking be authorized for 4257 square feet of land on Parcel R-59-B1 in the Charlestown Urban Renewal Area.
6. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment and further, that all practicable feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.
7. That the Director is hereby authorized for and in behalf of the Boston Redevelopment Authority to execute and deliver a Land Disposition Agreement and Deed conveying Parcel R-59-B1 to said JUDITH M. BRENNAN said documents to be in the Authority's usual form.
8. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).

July 31, 1986

Parcel R-59-B-1

A certain parcel of land situated in the Charlestown District of the City of Boston, being bounded and described as follows:

Beginning at a point on the southerly side of Washington Street, this point being N 59°-37' -41'"W and 39.39 feet from the intersection of the southerly street line of Washington Street and the westerly street line of Rutherford Avenue; then proceeding westerly along a bearing of N 59°-37' -41'"W by the southerly street line of Washington Street 57.81 feet to a point; then proceeding southerly along a bearing of S 30°-14' -20"W by land now or formerly of the Boston Redevelopment Authority 70.00 feet to a point; then proceeding along a bearing of S 59°-37' -41"E by the northerly street line of Lynde Street 57.81 feet to a point; then proceeding along a bearing of N 30°-14' -20"E by land now or formerly of the Boston Redevelopment Authority 70.00 feet to the point of beginning, containing 4,047 square feet, more or less.

MEMORANDUM

NOVEMBER 5, 1986

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL L. McCANN, EXECUTIVE ASSISTANT TO THE DIRECTOR

SUBJECT: INFORMATIONAL MEMORANDUM REGARDING FINAL DESIGNATION
OF JUDITH BRENNAN AS DEVELOPER OF CHARLESTOWN
PARCEL R-59-B-1

On October 9, 1986, the Authority requested that I sit down with Attorney Virginia Casey Goscinak and other affected parties to determine if there could be a resolution of the issues raised in Attorney Goscinak's verbal presentation at that Board meeting. As a result of that request, I met with our project staff, with members of our urban design staff, with Attorney Goscinak on two occasions, and with the developer's representative on two occasions. As a result of those meetings, Attorney Goscinak, the condominium association, and their architects, ranked in order of priority the issues resulting from the proposed development by Judith Brennan of a single-family home on the adjacent property.

In summary, these issues are:

Assurance that the present fire escape on the condominium building will be allowed to remain.

Assurance that there be additional improvements to the single-family house construction in the way of firewall protection for those portions of the building abutting the condominium project.

That efforts be made to improve the sun and light to the condominium project, with particular reference to the adjacent basement units.

That the Authority and/or the developer provide access over the proposed single-family house lot to allow condominium unit owners to take trash to the rear of their building.

The final issue involves the question of setback; namely that there be no setback of the single-family house as it relates to Washington Street.

As a result of these deliberations:

The Brennans have agreed that the Authority, in the disposition document, will retain an easement for the benefit of the adjacent property to ensure that the fire escape as existing will be allowed to remain in its present location.

The Brennans have agreed to the movement of the total building two feet away from the existing building, which has the direct corresponding effect of improving the firewall protection as the closest element of the single-family house will now be no closer than five feet to the existing condominium project. It has also been agreed to put additional firewall construction material on that portion of the building. It should be noted that they have received a building code variance concerning this firewall item.

In regard to sun and light, the Brennans by agreeing to move the building two feet, allows the significant improvement of the sun and light to the basement units of the condominium project, which was the main subject matter of this issue.

In regard to the request for a five foot easement area to facilitate individual condominium owners taking their trash to the rear of their condominium project, it has been determined that this is unnecessary as there is adequate means of access through the condominium project itself, out through a utility and laundry room directly onto the courtyard that will house the new trash facility.

In regard to the final aspect of the setback of the building, as a result of the meetings of the parties, this was determined to be a matter of design preference. We have reviewed numerous buildings in Charlestown where a four foot setback of this nature adds significantly to the perception of the project from a design standpoint. The minimum setback of four feet meets with the Authority's general design guidelines and will allow significant improvements including landscaping and wrought iron fencing to further improve the appearance of this single-family house construction.

As a result of the meetings between the parties and of the developer's cooperativeness in relocating the building two feet, which resolves the top three items on the abutters' priority list, namely retention of the fire escape, improvements to the firewall protection, and significant improvements of sun and light to the adjacent construction, it is recommended that the Authority proceed with the final designation which is presently before it.

MEMORANDUM

November 5, 1986

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: JOHN R. LEIGH, ASSISTANT DIRECTOR
HARBOR PLANNING AND DEVELOPMENT AND
JAMES F. ENGLISH, DEPUTY DIRECTOR OF DEVELOPMENT AND
LAWRENCE E. BROPHY, SENIOR PLANNER AND

SUBJECT: CHARLESTOWN URBAN RENEWAL AREA,
MASS. PROJECT R-55
CONFIRMATORY OF TAKING
FINAL DESIGNATION OF REDEVELOPER
PARCEL R-59 - B1

As you are aware, the Boston Redevelopment Authority granted final designation to J&J Realty Trust on May 26, 1977, for redevelopment of Parcel R-59-B1. J&J Realty Trust was unable to complete the Land Disposition Agreement and Conveyance of this parcel. During the ensuing period, Ms. Judith M. Brennan expressed an interest and the Authority negotiated with her for an extended period of time.

The Authority granted tentative designation to Ms. Judith M. Brennan, 117 Rutherford Avenue, Charlestown, on September 12, 1985 for the purpose of construction of a single family residence to be occupied by Ms. Brennan and her family.

In compliance with the terms of tentative designation Ms. Brennan has provided the Authority with the following:

- o Evidence of equity funds and,
- o Evidence of a firm financial commitment of construction and end loan financing from New World Bank and,
- o The Zoning Board of Appeal has granted the necessary variance from the Zoning Code.
- o Public input has been received and an Urban Design Review has been completed and approved by the Authority and,
- o A proposed development schedule has been submitted and approved.

MEMORANDUM

Page 2

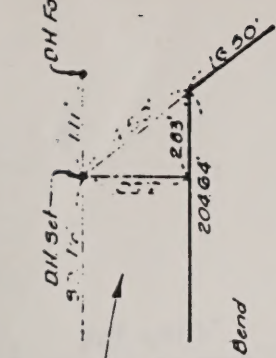
Therefore, it is recommended that Ms. Judith M. Brennan be finally designated as redeveloper of Parcel R-59B-1 in the Charlestown Urban Renewal Area. It is also recommended that a Confirmatory Order of Taking be authorized for 4257 square feet of land in the Charlestown Urban Renewal Area.

An appropriate Resolution is attached.

Attachment

144.50' STREET

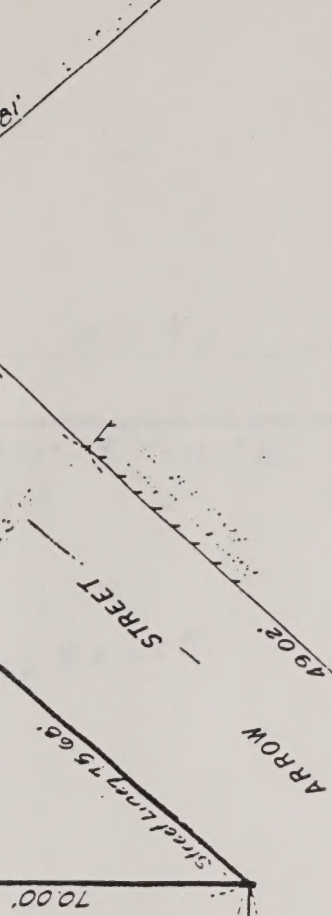
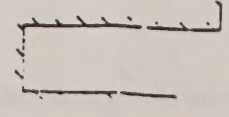
AVENUE



BOSTON REDEVELOPMENT
AUTHORITY
PARCEL R-598-2
AREA = 1993 Sq. Ft.

BOSTON REDEVELOPMENT AUTHORITY
PARCEL R-598-1
Area = 4257 Sq. Ft.

BOSTON REDEVELOPMENT
AUTHORITY
PARCEL R-59A
Area = 7310 Sq. Ft.



STREET (30.00')

ARROW

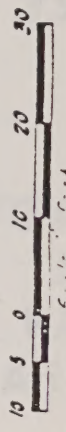
Stone Retaining Wall

MRS. FORD'S Brass Rod

I certify that this plan conforms to the
rules & regulations of the Registrar
of Deeds.

John M. Thomas

Survey	Prod	Sin	Cos	N	S	E	W
17'-41"	204.64'	.06276195	.99861136		103.472	176.958	
18'-36"	20.503'	.14892297	.98895532		10.319	2.537	
19'-23"	75.076'	.94790816	.32032367		24.231		71.608
W	105.250'	.06276195	.99861136	44.552			142.511



BOSTON REDEVELOPMENT
COMMISSION URBAN - NEW
PROJECT NO. MASS

897
343

16.30'

80.70'

S 59°-37'-41"E

3.50' Sur

350'

Nail

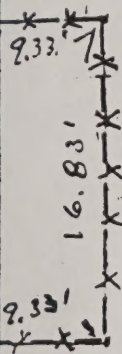
Street Line S 59°-37'-41"E

~~60.81'~~

39'

57.81'

Brick Wall on Line 3rd Brick



6' Stockade Fence

BOSTON
AP
PA
ARE

BOSTON REDEVELOPMENT AUTHORITY

PARCEL R-59B-1

Area = ~~4257~~ Sq. Ft.

Rev. Area = 40475 Sq. Ft

N 30°-14'-20"E

N 30°-14'-20"E

70.00'

70.00' 6'

70.00'

57.81'

~~60.81'~~ S 59°-37'-41"E Street Line

13.01'

15.00'

19.86'

N 50°-43'-54"E
E 117°-02'-18"W

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated NOV 5 1986 relating to portions of the CHARLESTOWN URBAN RENEWAL AREA, MASS. R-55, be executed, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Kane Simonian

Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8069, page 113, an ORDER OF TAKING, dated September 15, 1966, concerning and describing the CHARLESTOWN URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40.

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including any trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any ~~and all easements~~ of travel in and to any

and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have cause the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED: **NOV 5 1986** BOSTON REDEVELOPMENT AUTHORITY

By:

John Francis
James K. Healey
Michael J. Deane

ATTEST:

Kenneth Simonian
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

CHARLESTOWN URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is to be taken by this Order of Taking:

PARCEL R-59B-1

A certain parcel of land situated in the Charlestown District of the City of Boston, being bounded and described as follows:

Beginning at a point on the southerly side of Washington Street, this point being N59°-37'-41"W and 39.39 feet from the intersection of the southerly street line of Washington Street and the westerly line of Rutherford Avenue;

then proceeding westerly along a bearing of N59°-37'-41"W by the southerly street line of Washington Street 60.81 feet to a point;

then proceeding southerly along a bearing of S30°-14'-20"W by land now or formerly of the Boston Redevelopment Authority 70.00 feet to a point;

then proceeding along a bearing of S59°-37'-41"E by the northerly street line of Lynde Street 60.81 feet to a point;

then proceeding along a bearing of N30°-14'-20"E by land now or formerly of the Boston Redevelopment Authority 70.00 feet to the point of beginning,

containing 4,257 square feet, more or less.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

CHARLESTOWN URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.

